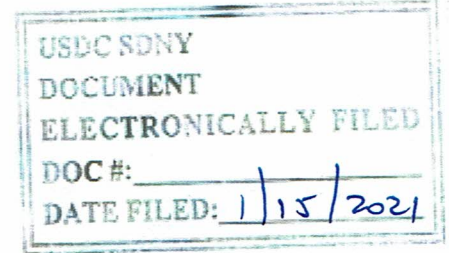


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January 8, 2021

By ECF

Hon. Nelson S. Roman
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Def't's request to adjourn the Sentencing from Jan. 21, 2021 until Feb. 23, 2021 at 12 noon or, alternatively, Feb. 25, 2021 at 12 noon is granted. Clerk of Court requested to terminate the motions (docs. 32 and 33).
Dated: Jan. 15, 2021 **SO ORDERED:**

Re: United States v. Max Nieves
19 Cr 402 (NSR)

Dear Judge Roman:


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

I write as follow-up to my letter earlier today (Dkt. No. 32), in which I requested that the Court adjourn the scheduled sentencing of Mr. Nieves currently set for January 21, 2021.

I respectfully request that the Court re-schedule sentencing for either February 23 or February 25 at noon, so, hopefully, a video conference sentencing proceeding can be held.

If the Court cannot conduct a video proceeding on either of those dates, we request to go forward with the proceeding by telephone on one of those dates.

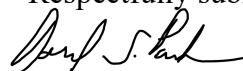
Attached hereto is an Application and proposed Order to have the sentencing proceeding held remotely given the pandemic.

Mr. Nieves was arrested in May 2019, he pled guilty in January 2020, and he has been incarcerated for nearly two years. Mr. Nieves is currently incarcerated in the MDC and he is extremely anxious to go forward with the sentencing in this case. Probation is recommending a below-guideline sentence. Because Mr. Nieves will be asking the Court to impose a sentence of Time Served, we submit that any further delay in this proceeding would result in serious harm to the interests of justice. Proceeding by video or telephone conference with sentencing advances Mr. Nieves' case; allows the Government and defense to achieve finality in the case, and furthers justice without undue delay. *See* § 15002 (b)(2) of the Coronavirus Air, Relief, and Economic Security ("CARES") Act.

We respectfully request that the Court adjourn the sentencing to either February 23 or February 25 at noon and that the Court issue an Order in accordance with the CARES Act directing that the sentencing proceeding go forward by video or telephone on the next date.

Thank you for your attention to, and consideration in, this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel S. Parker".

Daniel S. Parker

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Cc: AUSA Jennifer Ong (By ECF and email)